



Atty. Dkt. No. 062834-0223

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George H. HOFFMAN et al.

Title: BULK ORDERING

Appl. No.: 10/815,691

Filing Date: 04/02/2004

Examiner: Pond, Robert M.

Art Unit: 3625

Confirmation Number:

9713

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
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Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

This Pre-Appeal Brief responds to the Examiner's Office Action dated July 5, 2007, concerning the above-referenced patent application.

Claims 1-24, 26-46, 48-55 and 57-59 were rejected in the Office Action under 35 USC 103(e) as obvious over Schleicher (20030115119) in view of Yehia (US 2002/0147726), and further in view of ON2, and for dependent claims 8, 15-18 and 37-40 in view of Official Notice ON1. These rejections are respectfully traversed and reconsideration thereof is requested.

Referring first to independent claims 1, 26 and 48 and their dependent claims, these claims are directed to a program product, system and method for displaying a selectable option to a buyer to create a single order form for an individual store or for a plurality of stores controlled by the buyer with that buyer ID. Specifically, claims 1, 26 and 48 call for

“a display option to the buyer to generate an order to a supplier for an individual store only or to order for a plurality of stores of the buyer;” and “if an order is to be generated for a plurality of stores of the buyer, displaying a single electronic order form for generating an order for the plurality of different stores associated with the buyer system ID, wherein a designation for each of the plurality of the stores is displayed, with each different store having a separate order amount field.” (Emphasis added.)

The Office Action uses Schleicher as its principal reference. Paragraphs 0049-0053 of Schleicher are referenced in the Office Action for disclosing the claimed features. See page 4 of the Office Action. Specifically, paragraphs 0049-0050 relate to a distributor receiving individual purchase orders from different companies and mapping each individually to a standard purchase order format. Paragraphs 0051-0053 disclose the distributor receiving multiple purchase orders contained in a document, which the distributor then extracts out and starts a new purchase order for each purchase order within the document, i.e., “extracted out and put individually into the message queue that starts a new purchase order process per document 506.”

Schleicher does not disclose displaying a selectable option to a buyer to create a single order form for an individual store or a single order form for a plurality of stores of the buyer with that buyer ID, but teaches away from it. There is no disclosure in Schleicher of the display element “wherein a designation for each of the plurality of the stores is displayed, with each different store having a separate order amount field.” There is nothing in Schleicher about an ordering interface for a single buyer to selectively order for a single store associated with that buyer or for multiple locations/stores controlled by that buyer ID. See again the claim language “a display option to the buyer to generate an order to a supplier for an individual store only or to order for a plurality of stores of the buyer;” and “if an order is to be generated for a plurality of stores of the buyer, displaying a single electronic order form for generating an order for the plurality of different stores associated with the buyer system ID, wherein a designation for each of the plurality of the stores is displayed, with each different store having a separate order amount field.” Rather, Schleicher discloses completed orders being received at a distributor and further discloses that a document received by the distributor may contain multiple individual orders (a direct teach-away from the present invention) that are then separated into individual orders and placed in the queue.

Yehia does not make up for this deficiency. Yehia relates to creating, distributing and enforcing business rules. Yehia does not disclose a “selectable” option, much less the organization by stores associated with a single buyer system ID.

ON2 as defined in the Office Action dated January 11, 2007 relates to displaying products by brand or supplier. This Official Notice appears to be related to claims 20, 42 and 52, which are dependent claims involving catalog data. See the Office Action at page 9. Applicants traverse this finding by the Examiner and request the examiner to support that point. This Official Notice does not appear to be pertinent to any of the other claims. ON2 does not relate to selectable options to allow a buyer to create a single order form for one store or multiple stores.

Independent claims 23, 45 and 55 are directed to generating a single electronic order form for a plurality of stores associated with a buyer system ID, with program code making the display selectable between a store fulfillment section organization, e.g.,

Store A

Item 1

Item 2

Item 3

Store B

Item 1

Item 2

Item 3

Store C

Item 1

Item 2

Item 3

i.e., “program code for displaying a single fulfillment electronic order form to the supplier, selectable between displaying each of a plurality of different fulfillment sections in the fulfillment electronic order form associated with a different store from a group of stores associated with that buyer system ID and listing in the fulfillment section the one or more items ordered for that store and with each different listed item in the fulfillment section having at least one parameter field to be populated (a store organization),”

or selectable to display an item organization listing stores under that buyer ID purchasing that item, e.g.,

Item 1

Store A
Store B
Store C

Item 2

Store A
Store B
Store C

Item 3

Store A
Store B
Store C

i.e., “or associated with a different item ordered from the supplier and listing in the fulfillment section the stores associated with that buyer system ID that are being supplied with that item and with each different listed item in the fulfillment section having at least one parameter field to be populated (an item organization).”

As noted above, these claimed features are not disclosed by Schleicher, which relates to extracting out multiple orders and starting a new purchase order for each.

Likewise, Yehia relating to business rules does not disclose such a “selectable” option, much less the organization by stores associated with a single buyer system ID.

As noted, ON2 defined in the Office Action dated January 11, 2007 relates to displaying products by brand or supplier. This Official Notice appears to be related to claims 20, 42 and 52, which are dependent claims involving catalog data. Thus, ON2 does not appear pertinent to the independent claims 23, 45 and 55.

Applicants also traverse ON1 and request reference support by the examiner, although applicants are not clear about how ON1 is being applied in a claim for creating a display for a single buyer that controls multiple sites (independent claims 1, 26 and 48 and dependent claims) or a display for, in one embodiment a supplier receiving an order form from single buyer that controls multiple sites and orders multiple items which single purchase order may

be selectively displayed using two different options (independent claims 23, 45 and 55 and claims dependent thereon). Note that claims 12 and 35 also have the foregoing limitations dependent on independent claims 1, 26 and 48.

Thus, the claims are patentable and reversal of this rejection and early passage to issue is requested.

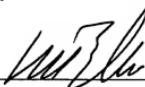
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

REMARKS

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

By _____



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